

From: Richard Sawey
To: Microsoft ATR
Date: 12/7/01 2:17pm
Subject: Microsoft Settlement

The remedies in the Proposed Final Judgment of the Microsoft case may have the unfortunate effect of harming the growing open source development movement.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

There are many open source projects such as SAMBA that use Microsoft calls. The unmodified settlement would appear to give Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." Again I find the definitions specify commercial concerns only.

Many open source projects require integration with Microsoft's products, this agreement as written will hamper these projects which in turn will reduce the availability of viable alternatives to Microsoft's expensive products. Since Microsoft have been actually found guilty it would be unfortunate if the Judgment ended up crippling one of Microsoft's competitors and inadvertently gave Microsoft a key competitive advantage.

Under this deal, isn't the government shut out too? NASA, the national laboratories, the military, the National Institute of Standards and Technology -- apparently even the Department of Justice itself -- have no rights! Surely this is not what you intended.

Kind Regards
Richard Sawey